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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,265	02/19/2004	Behram Mario Dacosta	50T5776.01	4987

7590 12/09/2005
ROGITZ & ASSOCIATES
Suite 3120
750 B Street
San Diego, CA 92101

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTICE OF NON-RESPONSIVE AMENDMENT***Response to Amendment***

The reply filed on 14 November 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) it fails to point out distinctions over the prior art with respect to newly added claim 27. See 37 CFR 1.111. With respect to applicant's response, applicant's assert since no rejection had been made against the new claim that there was nothing to respond to in that matter. However, it is the applicant's burden to set forth why they believe that a newly presented or amended claim is considered to be patentable in reply to the examiner's action. The examiner respectfully refers the applicant to 37 CFR 1.111(b) which states in part:

The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. . . . A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

In the instant case, applicant's have presented arguments (filed 08 October 2005) directed to claims 1, 10, and 18 such that the Brodsky reference fails to teach or disclose the ability to select words from the closed captioning text by a human using an input device and that words within the closed caption text do not appear differently. The applicant further presents arguments relating to the particular combination of Brodsky with Allport and the online encyclopedia. Applicant's arguments relating to claims 1, 10, and 18 are considered responsive. Applicants, however, provide no arguments pointing out the specific distinctions believed to render claim 27 patentable over any applied references. Claim 27 does not claim the ability to select words from the closed captioning text by a human using an input device

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or that words within the closed caption text appear differently. The particular arguments pertaining to Allport and the online encyclopedia article are not pertinent to the newly presented claim. Accordingly, it is the examiner's position that the both the previously noted and newly filled response in conjunction with the RCE fail to specifically point out how the language of claim 27 is believed patentable over any applied references as is required. For example, is claim 27 believed by applicant's to overcome the rejection of Brodsky because the claim language sets forth the particular presentation of lists of TV programs (ex. using the closed caption text, generating a list of programs in response to the query word") as opposed to the encyclopedia and dictionary definitions retrieved by Brodsky or is claim 27 believed by applicant's to be patentable because of the particular usage of closed captioning text in connection with a TV program (ex. associating at least some of the programs with closed captioning text").

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SEB
December 7, 2005

Scott Beliveau
Examiner
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